

REMARKS

This Response is offered in reply to the office action of October 8, 2002. A petition and fee for a one month time extension are enclosed.

Applicant has amended the claims pursuant to the revised format recently announced by the Patent Office.

Applicant appreciates allowance of claims 18-19 and 43-50 and the indicated allowability of claims 10, 12, 13, 21-23, 28-32, 34-40, and 42. Certain of the allowed claims 18-19 and 43-50 have been amended to place them in better form under Section 112. Approval of the amendments is requested.

In paragraph 3 of the office action, claims 1-7 are rejected under 35 USC 103(a) as obvious in view of the Heifetz '528 patent taken with the Bahn '369 patent.

Pending claim 1 is believed to distinguish over the cited patents. The '528 patent does not disclose or render obvious a modular living enclosure comprising a plurality of mold plastic enclosure sections that are assembled to define an enclosure floor, four upright side walls, and a top wall and a door opening, wherein multiple lower ones of the enclosure sections define the floor and portions of the four upright side walls, multiple top ones of the enclosure sections define said top wall, and multiple other ones of the enclosure sections are disposed between the lower ones and the top ones to define remaining portions of the four upright side walls. Such features of Applicant's invention are described at page 6, lines 1-5 and page 17, lines 8-26 and shown in the drawings.

In contrast, the '528 patent provides innermost upper and lower U-shaped shells 10, 12, and outermost upper and lower U-shaped shells 24, 26 with an insulating foam layer 32 between the innermost shells 10, 12 and the outermost shells 24, 26 to form a four-sided structure. End faces 50 are made and fused to the ends of the four-sided structure formed by the innermost shells, the foam layer, and the outermost shells.

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Claim 1 patentably distinguish over the '528 patent as well as the Bahn '369 patent, which adds nothing to cure the above noted deficiencies the '528 patent. Claim 2 recites the enclosure wall also has a plurality of fiber reinforced resin layers with a first fiber reinforced resin layer applied on the ceramic-particulate filled resin layer and with each successive fiber reinforced resin layer applied on a preceding one of the fiber reinforced layers. The '258 patent does not disclose or suggest these features and instead discloses providing an insulating foam layer 32 between the innermost shells 10, 12 and outermost shells 24, 26. The foam layer 32 can be applied on the innermost shells 10, 12 using a jacket or can be applied in the space between the innermost shells 10, 12 and outermost shells 24, 26 in a manner different from Applicant's fiber reinforced layers. Claim 3 recites that one of the fiber reinforced layers has a color different from that of the ceramic particulate filled resin layer to warn of any penetration of the latter by a person, such as a prisoner, in the enclosure. The '528 patent does not disclose or suggest such features. The examiner's comments with respect to claim 3 amount to mere speculation on his part.

Claim 4 recites the enclosure sections each includes an L-shaped flange integral therewith and wherein L-shaped flanges of adjacent enclosure sections nest together and are fastened together to assemble the modular living enclosure, wherein the nested L-shaped flanges extend beyond the exterior of the modular living enclosure. The flange of the '528 patent that the examiner labelled "L" is not an L-shaped flange of the type recited in claim 4. Referring to Figures 1-2 of the '528 patent, the flange labelled L by the examiner is not L-shaped, does not nest as Applicant's recite, and does not extend beyond the exterior of the enclosure. The flange labelled L by the examiner is covered by the outer shells 24, 26 as shown in Figure 2.

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Claim 5 recites that the nested L-shaped flanges form an upstanding surface to which a fascia panel is attached. As mentioned in the preceding paragraph, the flange of the '528 patent that the examiner labelled "L" is not an L-shaped flange of the type recited in claim 4.

With respect to claims 6-7, neither cited patent discloses or suggests an enclosure section molded to form one or more of a bed surface, a seat surface, and a desk surface.

Reconsideration of the Section 103 rejection of claims 1 and 4-7 is requested.

In paragraph 4 of the office action, claims 1, 8, 9, 11, 14-17, 20, 24, 25, 26, 27, 33 and 41 are rejected under 35 USC 103(a) as obvious in view of the GB '690 patent apparently taken with the Bahn patent.

Pending claim 1 is believed to distinguish over the cited GB patent. The GB patent does not disclose or render obvious a modular living enclosure assembled from mold plastic enclosure sections to define an enclosure floor, four upright side walls, and a top wall and a door opening when assembled, wherein multiple lower ones of said enclosure sections define the floor and portions of the four upright side walls, multiple top ones of the enclosure sections define said top wall, and multiple other ones of the enclosure sections are disposed between the lower ones and the top ones to define remaining portions of the four upright side walls.

In contrast, the GB patent provides only a bathroom comprised of upper and lower vacuum formed sections that are fused together at flanges 22, 23. Claim 1 patentably distinguishes over the GB patent.

The Bahn '369 patent adds nothing to the GB patent which provides lower and upper sections 12, 13 made of vacuum formed sheets of polymethyl methacrylate. The '369 patent fails to make up for the above noted deficiencies of the GB patent.

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With respect to claims 8-9, the GB patent does not disclose or suggest a molded plastic enclosure section as Applicant's recite molded to form one or more of a toilet, shower head, and floor drain. The GB patent fails to mention a molded toilet or a molded floor drain and in contrast to claim 9 teaches a shower fitting 38 attached on the top vacuum formed section thereof.

With respect to claim 11, this claim is believed to be in allowable condition. The GB patent does not disclose or suggest a molded plastic enclosure section as Applicant's recite molded to form one or more of a toilet, a shower head, and a floor drain. Claim 13 recites a waste disposal communicated to a toilet and nowhere shown or suggested in the GB patent.

Claims 15 and 17 recite a sump chamber on the living enclosure nowhere shown or suggested in the GB patent. The examiner's comments on a sump chamber are without any support whatsoever in the GB patent.

With respect to claims 16 and 17, the examiner refers to page 2, lines 91-96 of the GB patent as disclosing a floor drain and plumbing. This is incorrect in that page 2, lines 91-96 only describe a channel to drain water from a recessed soap dish on the central partition of the bathroom.

Claim 20 recites a modular living enclosure for occupancy by a person, comprising a plurality of molded plastic enclosure sections that are assembled to define an enclosure floor, four upright side walls, a top wall and a door opening when assembled, at least one of said enclosure sections being molded to form a furniture feature including one or more of a bed surface above the floor, a seating surface above the floor, and a desk surface above the floor. The examiner acknowledges that the features of claims 21-23 are allowable matter. Claims 21-23 have been cancelled.